

REMARKS

Applicants acknowledge receipt of an Office Action dated April 26, 2005. In this response Applicants have amended claims 1, 7-10 and 14. In addition, Applicants have added claims 15-18. Support for these amendments may be found in the specification, *inter alia*, in the first full paragraph on page 1, in the discussion on pages 10-12, the first full paragraph on page 16 and the figures. Claims 5 and 6 are considered redundant in view of claim 1, and thus, claims 5 and 6 have been canceled without prejudice or disclaimer. Following entry of these amendments, claims 1-4 and 7-18 are pending in the application.

Reconsideration of the present application is respectfully requested in view of the foregoing amendments and the remarks which follow.

Formal Drawings

During a review of their file, Applicants have noted that the PTO has not yet acknowledged acceptance of the formal drawings submitted on July 14, 2003. Applicants respectfully request that the PTO acknowledge acceptance of the drawings in its next communication.

Information Disclosure Statement

On page 2 of the Office Action, the PTO states that the PTO file is missing Citation A2 from the Information Disclosure Statement filed July 14, 2003. Applicants are submitting another copy of Citation A2 (JP 8-13902) with this response, along with a PTO mailroom receipt (the document was apparently lost within the U.S.P.T.O.) The U.S.P.T.O. is requested to consider this Japanese document and initial and sign the attached SB/08.

Claim Objections

On page 3 of the Office Action, the PTO has objected to claims 1-5 and 7-14 for certain minor informalities.

Applicants have amended claims 1, 7-9 and 14 in this response, and Applicants submit that these amendments render the PTO's objections to claims 1-4, 7-11 and 13-14 moot.

With respect to claim 12, Applicants note that at least part of the first cylindrical resin layer and at least part of the second cylindrical resin layer are formed by the conductive cylindrical resin layer. Thus, at least part of each of the first cylindrical resin layer and the second cylindrical resin layer is conductive.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding objections to claims 1-5 and 7-14.

Rejections Under 35 U.S.C. § 103

On page 4 of the Office Action, the PTO has rejected claims 1-14 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,089,278 to Nishino *et al.* (hereafter “Nishino”) in view of U.S. Patent 6,428,866 to Jadamus *et al.* (hereafter “Jadamus”). Applicants respectfully traverse these rejections for at least the reasons set forth below.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP §2143.03.

Here, neither Nishino nor Jadamus, taken either individually or in combination, teach or properly suggest a resinous tube “wherein the at least one second cylindrical resin layer (B) is in direct contact with and serves as a supporting layer for the at least one first cylindrical resin layer (A),” and “wherein the at least one second cylindrical resin layer (B) comprises a block copolymer which comprises at least one segment selected from the group consisting of polybutylene terephthalate (PBT) and polybutylene naphthalate (PBN) as a hard segment, and at least one segment selected from the group consisting of polytetramethylene glycol and polycaprolactone as a soft segment” as recited in independent claims 1 and 14. For this reason, alone, Applicants submit that the rejections of claims 1 and 14 based upon the combination of Nishino and Jadamus should be withdrawn.

If an independent claim is nonobvious under §103, then any claim depending therefrom is nonobvious. *In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988). See MPEP 2143.03. Thus, Applicants submit that claims 2-4 and 7-13, which depend from independent claim 1, are also non-obvious.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection under §103.

Double Patenting

On page 6 of the Office Action, the PTO has provisionally rejected claims 1-14 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of Application No. 10/980,313 in view of Jadamus. Applicants will reply to this rejection in the event this rejection becomes non-provisional.

Newly Added Claims

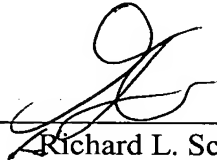
In this response, Applicants have added claims 15-18. With respect to claims 15-17, Applicants submit that each of these claims is allowable for at least the same reasons as claim 1. With respect to claim 18, Applicants submit that neither Nishino nor Jadamus, taken either individually or in combination, teach or suggest a resinous tube “wherein the at least one second cylindrical resin layer (B) comprises a block copolymer which comprises at least one segment selected from the group consisting of polybutylene terephthalate (PBT) and polybutylene naphthalate (PBN) as a hard segment, and at least one segment selected from the group consisting of polytetramethylene glycol and polycaprolactone as a soft segment.”

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that all of the pending claims are now in condition for allowance. An early notice to this effect is earnestly solicited. If there are any questions regarding the application, the Examiner is invited to contact the undersigned at the number below.

Respectfully submitted,

Date 10/26/05
FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5540
Facsimile: (202) 672-5399

By  34371
Richard L. Schwaab
Attorney for Applicants
Registration No. 25,479

Paul D. Strain
Attorney for Applicants
Registration No. 47,369

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.



Title: RESINOUS TUBE AND FUEL SYSTEM PIPING TUBE

Inventor(s): Mitsuo YAMADA et al. Dkt. No. 023971-0291

Appl. No.: Unassigned RLS

- Transmittal of Patent Application (2 pgs.);
- Patent Application Specification (40 pgs.);
- Formal Drawings (2 sheets);
- Declaration and Power of Attorney (4 pgs.);
- Assignment;
- Assignment Recordation Cover Sheet;
- Information Disclosure Statement;
- Form SB/08 and 10 References;
- Application Data Sheet;
- Check Number 29728 for \$790.00.

Due Date: July 16, 2003

RLS/jkb/drb

Insp. By:

19587 U.S. PTO

10/617731



07/14/03
